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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/761,844   | 01/16/2001  | Masashi Onoue        | 892_015             | 6241             |
| 25191  | 7590        | 05/03/2006           | EXAMINER            |                  |
| Burr & Brown<br>PO BOX 7068<br>SYRACUSE, NY 13261-7068 |             |                      | NELSON, FREDA ANN   |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 3639                |                  |

DATE MAILED: 05/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                      |                                      |  |
|------------------------------|--------------------------------------|--------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>09/761,844 | <b>Applicant(s)</b><br>ONOE, MASASHI |  |
|                              | <b>Examiner</b><br>Freda A. Nelson   | <b>Art Unit</b><br>3639              |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 December 2005.  
 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7, 10-18, 21-29 and 32-39 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
 6) ☒ Claim(s) 1-7, 10-18, 21-29 and 32-39 is/are rejected.  
 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) ☐ All b) ☐ Some \* c) ☐ None of:  
 1. ☐ Certified copies of the priority documents have been received.  
 2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

The amendment received on December 14, 2005 is acknowledged and entered. Claims 8-9, 19-20, and 30-31 have been canceled. No claims have been added. Claims 1-7, 10-18, 21-29, and 32-39 are currently pending.

### ***Response to Amendments and Arguments***

Applicant's arguments filed December 14, 2005 have been fully considered but they are not persuasive.

In response to applicant's arguments that the "franchisee number managing device" refers to the "franchisee number managing section" and to "software", the examiner respectfully disagrees.

The examiner is still unable to determine how CPU 11 contains/functions as many "devices", "sections" or "software".

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

1. Claims 1, 11-12, 15-17, 20, 25-26, 28-29, and 34-35 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a

way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

As for claims 1 and 34-35, the examiner is still unable to determine if the "franchisee number managing device" is a "device", "section" or "software".

As for claim 11, the examiner is still unable to determine if the "first repairing material inventory managing device" is a "device", "section" or "software".

As for claim 12, the examiner is still unable to determine if the "instructing material inventory managing device" is a "device", "section" or "software".

As for claim 15, the examiner is still unable to determine if the "sales information acquiring device", "the gross sales managing device", "the gross sales estimating device", and "the demand estimating device" is actually a "device", "section" or "software".

As for claim 16, the examiner is still unable to determine if the "sales information acquiring device" is a "device", "section" or "software".

As for claim 17, the examiner is still unable to determine if the "introduction plan information preparing device" is a "device", "section" or "software".

As for claim 20, the examiner is still unable to determine if the "notifying device" is a "device" or "CPU".

As for claim 25 and 29, the examiner is still unable to determine if the "franchisee information managing device", "franchisee number managing device", and "branching plan information preparing device", is a "device", "section" or "software".

As for claim 26, the examiner is still unable to determine if the "second repairing material inventory managing device" is a "device", "section" or "software".

As for claim 28, the examiner is still unable to determine if the "sales managing device" is a "device", "section" or "software".

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 17-19 and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 17 recites the limitation "said inputting device" in line 7. There is insufficient antecedent basis for this limitation in the claim.

Claim 18 recites the limitation "said calculating device" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 19 recites the limitation "said charge calculating device" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 21 recites the limitation "said charge calculating device" in line 5. There is insufficient antecedent basis for this limitation in the claim.

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### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Freda A. Nelson whose telephone number is (571) 272-7076. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FAN 04/18/2006



THOMAS A. DIXON  
PRIMARY EXAMINER